

REMARKS:

I. Introduction

In the Office Action mailed on March 20, 2007, the Examiner rejected claims 1 to 3, 7, 8, 10 to 12, 15 and 16. The present amendment cancels no claims, amends claim 1, and adds no new claims. Accordingly, claims 1 to 12, 15, and 16 remain pending in this application.

II. Claim Rejections Based on 35 U.S.C. § 103(a)

(a) The Examiner rejected claims 1 to 3, 7, 8, 10 to 12, and 16 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,131,194) in view of Cross et al. (US 2,258,973).

The Examiner first stated that the claims are to an installation/structure, not method claims. Features of an apparatus may be recited either structurally or functionally. Claims directed to an apparatus, however, must be distinguished from the prior art in terms of structure rather than function. MPEP 2114. *In re Schreiber*, 128 F.3d 1473, 1477-78, 44 USPQ2d 1429, 1431-32 (Fed. Cir. 1997) (The absence of a disclosure in a prior art reference relating to function did not defeat the Board's finding of anticipation of claimed apparatus because the limitations at issue were found to be inherent in the prior art reference). Independent claim 1 requires the panel and the channel sections to have structures for carrying out the described installation. To the extent that there are functional limitations, the structure must be able to perform those claimed functions. Anderson et al.'s device does not disclose a structure that is capable of performing the claimed functions and thus does not teach or reasonably suggest the claimed apparatus.

Second, the Examiner stated that Anderson et al. "discloses the glazing panes are of acrylic plastic and flexible" and that "looking at the teaching of Anderson as a whole, one of ordinary skill in the art would surmise that when the panels are inserted and/bending/bowing is needed, the panels will be bent to fit into the channels as needed." Applicant does not dispute that fact that the glazing panes of Anderson et al. are flexible and they may bend when inserting the panes into the disclosed foam gasket. However, that fact that panel bends does not mean that the panel is installed and removed in the manner claimed. The present invention permits

the glazing panel to be installed and removed while the window assembly remains installed in a motor vehicle or other structure. Thus, the glazing pane can be replaced without removing anything but the panes (note that the seals or gaskets remain in the frame) so that the pane can be replaced quickly and inexpensively. Regardless, of whether the panels of Anderson is flexible or not, the panels of Anderson et al. cannot be installed and removed in the claimed manner as is clear from FIG. 2 which shows that the gasket is prevented from flexing by the frame which overlaps the gasket at the channel.

Third, the Examiner stated that Anderson as modified by Cross et al. shows the deeper channel as claimed. With regard to Cross et al. the Examiner pointed out that Anderson is combined with the teaching shown in Cross et al. figure 9, not figure 2. Applicant initially points out that figures 2 and 9 of Cross et al. are to the same embodiment. Figure 2 is a horizontal cross-section and figure 9 is a vertical cross section. Thus, figures 2 and 9 clearly show that the sides of the glazing are in channels (figure 9) and the top and bottom channels are not in channels (figure 2). Cross et al. deals with inserting a relatively rigid panel in a pair of opposed side channels. This is very different from the present invention and the device of Anderson et al. where the entire periphery of the panel is in channels. Even if Anderson is modified to have a deeper channel as taught by Cross et al., the modified device still does not disclose the present invention as claimed. As discussed above, Anderson et al. does not describe a glazing panel that is sufficiently thin and flexible and channel sections sized and shaped so that opposite edges of the glazing panel can be drawn together (bowed in one direction) and inserted into opposite channel sections while another edge of the glazing panel is inserted into a receiving channel while the channel sections are within the retainer frame. Cross et al. clearly does not fill this void because Cross et al. describes a structure for placing a rigid panel in only two opposed channel sections not channel sections about the entire periphery.

Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitations of "wherein said retainer frame, said sections, and said glazing panel are sized and shaped and said glazing panel is sufficiently thin and flexible so that said glazing panel is able to be easily bowed so as to allow opposite edges of said glazing panel to be drawn together sufficiently to be able to be passed by the lips of opposite sections of said perimeter

channel and allow another edge of said glazing panel to be received in a receiving channel section extending along said glazing opening while said channel sections are within said retainer frame” and “wherein said receiving channel section is deeper than an opposite channel section so that upon insertion of said another edge of said glazing panel and movement towards the bottom of said receiving channel section, an edge of said glazing panel opposite said another edge clears said lip of said opposite channel section which is shallower than said receiving channel section to enable insertion and removal of said glazing panel into and out of said glazing opening while said channel sections remain within said retainer frame.” No prior art of record reasonably discloses or suggests the present invention as defined by amended claim 1. Reconsideration and withdrawal of the rejection is requested.

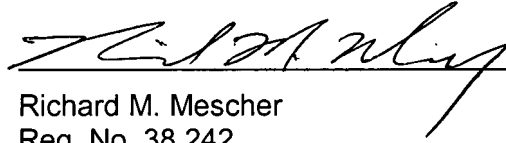
(b) The Examiner rejected dependent claim 15 under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 5,131,194) in view of Gasteuger (US 3,720,026).

Dependent claim 15 is allowable as depending from allowable independent claim 1 as discussed above and for novel and non-obvious matter contained therein. As discussed above, Anderson et al. does not describe a glazing panel that is sufficiently thin and flexible and channel sections sized and shaped so that opposite edges of the glazing panel can be drawn together (bowed in one direction) and inserted into opposite channel sections while another edge of the glazing panel is inserted into a receiving channel while the channel sections are within the retainer frame. Gasteuger clearly does not fill this void because, just like Cross et al., Gasteuger describes a structure for placing a rigid panel in only two opposed channel sections not channels sections about the entire periphery.

III. CONCLUSION

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application. If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard M. Mescher", is written over a horizontal line.

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